

**Notice of Allowability**

Application No.

10/774,285

Examiner

Marie R. Yamnitzky

Applicant(s)

DOBBS ET AL.

Art Unit

1794

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed September 11, 2007.
2. ☒ The allowed claim(s) is/are 1,2,5-10,14-16,20-22 and 24-26.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 10022007.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Art Unit: 1794

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with John Lamming on October 02, 2007.

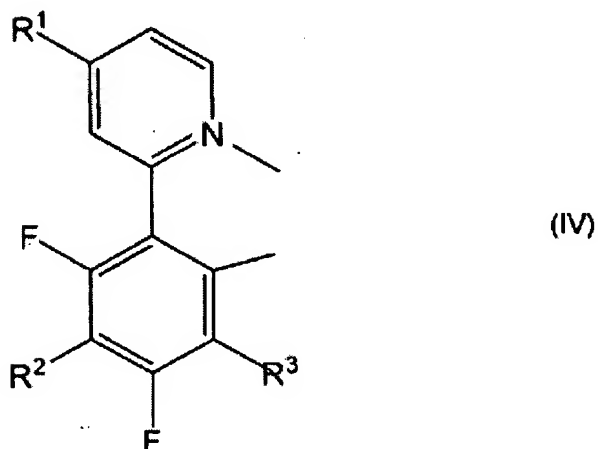
Claims 8 and 26 have been amended as follows. (The text of claims 1, 2, 5-7, 9, 10, 14-16, 20-22, 24 and 25 remains as set forth in the amendment filed September 11, 2006.)

8. (Currently Amended) A compound having Formula III:



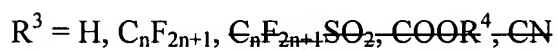
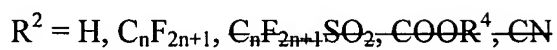
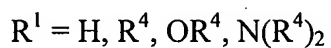
where:

$\text{L}^1$  has Formula IV:



Art Unit: 1794

wherein:



$R^4$  is the same or different at each occurrence and is H, alkyl, aryl, or adjacent  $R^4$

groups can join together to form a 5- or 6-membered ring, and

$n$  is an integer from 1 through 20;

$L^3$  is a monoanionic monodentate ligand; and

$L^4$  is a nonionic monodentate phosphine ligand.

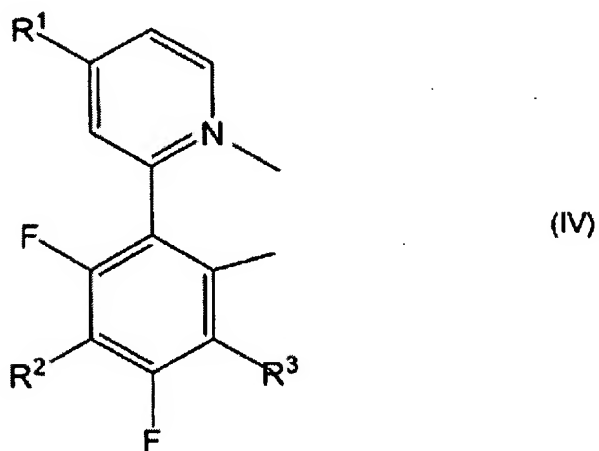
26. (Currently Amended) An active layer comprising at least one compound having

Formula II:



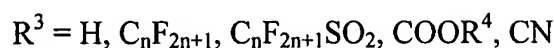
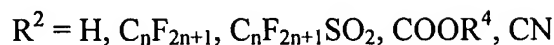
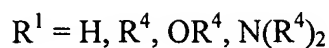
where:

$L^1$  has Formula IV:



Art Unit: 1794

wherein:



$R^4$  is the same or different at each occurrence and is H, alkyl, aryl, or adjacent  $R^4$

groups can join together to form a 5- or 6-membered ring, and

$n$  is an integer from 1 through 20; and

$L^2$  is a ~~monoanionic bidentate ligand~~ phosphino alkoxide.

---

In the remarks accompanying the amendment filed September 11, 2007, applicant indicated that certain substituents had been deleted from claims 1, 2, 8 and 10. However, claim 8 had not been amended as indicated. The indicated substituents have been deleted from claim 8 by this examiner's amendment.

In the remarks accompanying the September 11<sup>th</sup> amendment, applicant indicated that claim 23 had been rewritten in independent form as claim 26. However, claim 26 was broader than prior claim 23 with respect to the definition of  $L^2$ . The examiner considered the patentability of the broader scope claim 26 in light of the previously granted petition to accept a delayed claim for priority, but notes that at least the previously applied patent to Lamansky et al. (US 6,911,271) would be applicable as prior art against claim 26 as set forth in the September 11<sup>th</sup> amendment. Claim 26 is limited by this examiner's amendment to the scope of prior claim 23, which is not anticipated or suggested by the prior art.

Art Unit: 1794

The rejection of claim 25 under 35 U.S.C. 112, 1<sup>st</sup> and 2<sup>nd</sup> paragraphs, as set forth in the Office action mailed June 11, 2007 is overcome by the September 11<sup>th</sup> amendment.

The rejection of claims 1, 2, 4-10, 12, 14-16, 18, 20 and 21 under 35 U.S.C. 103(a) as set forth in the June 11<sup>th</sup> action is partly rendered moot by claim cancellation, and otherwise overcome by the September 11<sup>th</sup> amendment in combination with this examiner's amendment.

Claims 1, 2, 5-10, 14-16, 20-22 and 24-26 are allowed. Allowed claims 1, 2, 7, 20, 21, 8, 10, 14, 22, 24, 9, 15, 16, 25, 26, 5 and 6 are renumbered as 1-17, respectively.

Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 7:00 a.m. to 3:30 p.m. Monday-Friday.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY  
October 02, 2007



MARIE YAMNITZKY  
PRIMARY EXAMINER

1794